

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP,

and

TAIWAN SCOTT, on behalf of himself and all
other similarly situated persons,

Plaintiffs,

v.

HENRY D. MCMASTER, in his official
capacity as Governor of South Carolina;
THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE A.
RANKIN, in his official capacity as Chairman
of the Senate Judiciary Committee; JAMES H.
LUCAS, in his official capacity as Speaker of
the House of Representatives; CHRIS
MURPHY, in his official capacity as Chairman
of the House of Representatives Judiciary
Committee; WALLACE H. JORDAN, in his
official capacity as Chairman of the House of
Representatives Elections Law Subcommittee;
HOWARD KNAPP, in his official capacity as
interim Executive Director of the South
Carolina State Election Commission; JOHN
WELLS, Chair, JOANNE DAY, CLIFFORD
J. EDLER, LINDA MCCALL, and SCOTT
MOSELEY, in their official capacities as
members of the South Carolina Election
Commission,

Defendants.

Civil Action No. 3:21-cv-03302-JMC-TJH-
RMG

**FIRST AMENDED
SCHEDULING ORDER**

The Court amends the Conference and Scheduling Order filed January 12, 2022 (ECF No. 97), as follows:

1. Plaintiffs shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiffs expect to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **January 24, 2022** (Fed. R. Civ. P. 26(a)(2)).¹ Rebuttal Experts due by the earlier of (1) two days before an expert's already-noticed deposition, or (2) **February 10, 2022**.
2. Defendants shall file and serve a document identifying by full name, address, and telephone number each person whom Defendants expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **February 1, 2022** (Fed. R. Civ. P. 26(a)(2)). Rebuttal Experts due by **February 10, 2022**.
3. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **February 1, 2022**. Objections to such affidavits must be made within seven (7) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
4. Discovery shall be completed no later than **February 17, 2022**. Discovery shall be deemed completed within this time only if discovery is initiated at such time as to afford the responding party the full time provided under the applicable rule of the Federal Rules of Civil Procedure in which to respond prior to the discovery completion date noted in this paragraph.

(The parties may, with the consent of all counsel, conduct discovery up to the time of trial, provided the deadlines in this order are not affected.)
5. All other motions, except (a) those relating to the admissibility of evidence at trial and (b) those to compel discovery, shall be filed no later than **February 18, 2022** (Fed. R. Civ. P. 16(b)(2)). See below ¶ 7 for motions in limine deadline.
6. No later than **February 18, 2022**, the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within seven (7) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(6).
7. Motions in limine due by **February 22, 2022**. Objections due by **February 24, 2022**.

¹Concurrent with the identification of each expert and subject matter, each party shall serve (but not file): 1) a complete copy of the most current curriculum vitae of each expert or a detailed summary of his qualifications to testify on each identified subject; 2) (a) a complete statement of all opinions to be expressed by each expert and the basis and reasons therefor; (b) the data and other information considered by the expert in forming the opinions, (c) any exhibits to be used as a summary of or support for the opinions, and (d) citations of any treatise, text or other authority upon which each expert especially relied; and 3) a copy of each expert's report if a report has been prepared.

8. In lieu of pretrial briefs, the parties shall furnish the court with Proposed Findings of Fact and Conclusions of Law subsequent to the close of trial.
9. Pretrial Conference will be held on **February 25, 2022 at 9:30 AM**.
10. This case will be called for Bench trial from **February 28, 2022 to March 8, 2022**.
11. Proposed Findings of Fact and Conclusions of Law due by **March 14, 2022**.

The court directs the parties' attention to Local Rule 7.00 which governs motion practice. Hearings on motions are not automatic. The court may decide motions without a hearing. If a party opposes a motion which has been filed, that party must file a response to the opposed motion within seven (7) days of the date the motion was filed. If no such response in opposition is filed, the court will assume that the party consents to the court's granting the motion.

s/J. Michelle Childs
J. Michelle Childs
United States District Judge

February 4, 2022
Columbia, South Carolina